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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,867	03/14/2001	Rahul Mehra	01110	3394
24118	7590	01/31/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			SALCE, JASON P	
			ART UNIT	PAPER NUMBER

2611

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,867

Applicant(s)

MEHRA, RAHUL

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). The Office accepted "Microfiche Appendices" until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the

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specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). The Office accepted "Microfiche Appendices" until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may

point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication, which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application, which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

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- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

2. The disclosure is objected to because of the following informalities:

On page 7, applicant discloses the limitation "The wires encode the TSID...".

Wires only carry transport streams with encoded TSIDs and are not capable of performing the encoding. Appropriate correction is required.

Claim Objections

3. Claim 5 is objected to because of the following informalities:

Claim 5 recites the limitation "adding additional interface wires to the output of the device within the receiver that combines the transport streams together". The receiver only contains tuners 4 and 6 disclosed in the drawing, which use a TSID in order to identify a transport stream carrying PIDs of the program a viewer wishes to view. A tuner filters out the proper frequency to acquire the selected channel to present to a viewer. The examiner understands that on Page 7, a device (such as a multiplexer that is well known in the art) is used to combine the transport streams. Therefore, the examiner suggests that the "receiver" limitation should read as "device", stated on page 7 of the specification. For the remainder of this Office Action, the examiner will treat claim 5 accordingly, thereby reading the limitation "receiver" as "device", where the device could be a multiplexer or combiner for multiple transport streams. Appropriate correction is required.

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4. The examiner further requests applicant to carefully review the claims for any other minor claim informalities such as misspellings or comma use where needed, in order to provide a clear understanding of the claim limitations.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim limitations of claim 5 are only disclosed in the specification at paragraphs 0009 and 0023. The claim is supported by the specification, however, the limitation "by adding additional interface wires" does not enable one of ordinary skill in the art to make and/or use the invention. There is no description of where the interface wires are added in the receiver, as well as what type of wires (internal circuitry or external) are used.

For the remainder of the Office Action, the examiner will interpret claim 5 to read, "A data processing system according to claim 1 characterized in that the identification codes are added to packets in a transport stream and that multiple transport streams are combined together".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wasilewski (U.S. Patent No. 5,600,378).

Referring to claim 1, Wasilewski discloses a data processing system for data received by a broadcast data receiver (see decoder 10 in Figure 1).

Wasilewski also discloses that the receiver is provided for receiving multiple streams of digital data, which are transmitted from a remote location (see Column 4, Lines 51-55 for receiving from a satellite feed a data stream, such as a transport stream in MPEG format). Also note that such a transport stream contains multiple streams of digital data (see Column 1, Lines 23-25).

Wasilewski also discloses that the data in each stream comprises a series of packets of data and provided with associated codes to indicate the type of data, i.e. video, audio and/or auxiliary data (see Column 5, Lines 2-5 for a transport stream carries multiple data packets having PIDs known to contain certain control (auxiliary) data).

Wasilewski also discloses that the receiver is provided with means, which allow the selection and combination of packets of data from the multiple streams of data in response to control commands (see Column 9, Lines 21-23 and Lines 44-53 for

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providing a means for the receiver to select (tune) and combine packets (with proper PIDs that identify the video selected) of data from the multiple streams of data).

Wasilewski also discloses that the selected packets of data combined to form a single stream of data and said single stream of data further processed to generate video and/or audio and/or auxiliary data (see Column 5, Lines 14-27 for demultiplexing the selected program from the transport stream and upon removal of video, audio or auxiliary data from the transport stream processing and displaying the data to the viewer).

Wasilewski also discloses that each stream of data including a transport packet of identification codes for the packets of data in the stream (see Column 1, Lines 46-67 and Column 2, Lines 1-3 disclosed that a transport stream contains 4 tables that are needed to find and retrieve PIDs needed to form a program, therefore the PIDs that represent the tables (auxiliary) and audio and video data used to form a program represent the "identification codes").

Wasilewski also discloses that an identification code is added to the streams of data, which serves to identify and differentiate each of the streams of data received by the receiver (see Column 7, Lines 45-49 for a transport stream ID (TSID) used to define the number of the transport stream carrying the logical channel (channel containing audio and video data packets with the proper PIDs)).

Referring to claim 2, Wasilewski discloses that the identification code is located with the transport packet of data (see TSID at Column 7, Lines 45-49 as discussed in the rejection of claim 1), which includes a series of identification codes which contain

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and provide information relating to the packets of data in that stream of data (see PIDs at Column 1, Lines 46-67 and Column 2, Lines 1-3 as discussed in the rejection of claim 1).

Referring to claim 3, Wasilewski discloses that the identification code identifies the transport packet of the data stream (TSID) (see Column 7, Lines 45-47 for the TSID identifying the transport packet of the incoming data stream).

Referring to claim 5, see the rejection of claims 1-3 (note the 112 rejection above and the interpretation of the claim by the examiner in regards to the 112 rejection).

Referring to claim 6, Wasilewski discloses that the identification codes for the multiple data streams are stored in a memory device (see Column 4, Lines 65-67 and Column 5, Lines 1-5) and reference to the memory by the receiver allows the identification of each of the data streams with reference to the identification codes accompanying the transmitted data streams (see Column 6, Lines 23-28).

Claim Rejections - 35 USC § 103

7. Claim 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 5,600,378) in view of Robinett et al. (U.S. Patent No. 6,351,474).

Referring to claim 4, Wasilewski discloses all of the limitations in claim 1, but fails to teach that the identification codes are generated by re-using existing, superfluous data bits within the existing transport packet syntax, said bits replaced by the identification code which identifies the streams of data being received.

Robinett discloses a remultiplexing system, which reuses existing data within the existing transport packet syntax, where the bits replaced by the identification code identifies the data being received by the device, which receives the remultiplexed packets (see Column 4, Lines 62-67 for remultiplexing a TS).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the transport stream, as taught by Wasilewski, using the remultiplexer, as taught by Robinett, for the purpose of minimizing jitter in transport packets (see Column 5, Lines 58-60 of Robinett).

Referring to claim 7, see the rejection of claim 1 (above) and note that Schupak teaches the additional limitation of receiving a multiplexing the packets according to the receiver selection in the rejection of claim 4.

Claim 8 corresponds to claim 7, where Wasilewski discloses that the particular data packet is selected from the selected transport stream of data with reference to the PID (see PIDs at Column 1, Lines 46-67 and Column 2, Lines 1-3 as discussed in the rejection of claim 1).

Claim 9 corresponds to claim 7, where Wasilewski discloses that the selection of the data packet can only be made from the transport stream of data identified by the TSID (see Column 7, Lines 45-47 for the TSID identifying the transport packet of the incoming data stream).

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 28, 2005

A handwritten signature in black ink, appearing to read "Jason Salce", with a long horizontal flourish extending to the right.